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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
VALERIAN DOBRE,)
)
Defendant.)

No. CR 07-0560 JSW

STIPULATION AND [PROPOSED] ORDER
TO EXCLUDE TIME AND TO CONTINUE
HEARING DATE

SAN FRANCISCO VENUE

The parties in the above-title case, including the defendant, request and agree that the hearing date scheduled for December 6, 2007 be continued to December 20, 2007 at 2:30 p.m. for a Quintero Hearing and a Change of Plea Hearing. The parties, including the defendant, also agree that time should be excluded under the Speedy Trial Act from December 6, 2007 to December 20, 2007, or until the next hearing date to be determined by the Court. The parties agree and the Court finds and holds, as follows:

1. Mr. Dobre has been charged in a thirteen count indictment for Conspiracy, Bank Fraud, Effecting Transactions with an Access Device and Aiding and Abetting, all in violation of 18 U.S.C. § 371, 18 U.S.C. § 1344, 18 U.S.C. § 1029(a)(5) and 18 U.S.C. § 2.

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2. The defendant's initial appearance on the indictment was held on August 31, 2007. Also on this date, a detention hearing was conducted before the Honorable Judge Joseph Spero. Judge Spero ordered the defendant to be detained before trial for the following reasons:

- (I) The defendant has no ties to the United States;
- (ii) The defendant refused to provide Pre Trial Services with his home address in Spain and he refused to give detailed financial information;
- (iii) There was an ICE hold and the defendant's Business Visa has expired;
- (iv) The defendant was arrested with multiple fraudulent access devices and a large amount of cash in his possession, and
- (v) The defendant lied to ICE Agents on multiple occasions regarding his occupation upon entry into the United States.

3. On October 11, 2007 a Trial Setting Hearing was held before the Honorable Jeffrey S. White. The case was continued to November 8, 2007 for a Quintero Hearing and a Change of Plea Hearing.

4. On November 2, 2007, a Stipulation Order to Exclude Time and to Continue Hearing Date was entered continuing the case from November 8, 2007 to December 6, 2007 due to the fact that defense counsel needed additional time to confer with his client in San Francisco with a Spanish interpreter.

5. The requested continuance from December 6, 2007 to December 20, 2007 is necessary for the defense attorney to again confer with his client in San Francisco with a Spanish interpreter. Since the last court date of October 11, 2007, defense counsel has flown from Los Angeles to San Francisco to confer with his client who is in custody. The last meeting with his client was on November 13, 2007 with a Spanish interpreter present. After the meeting with his client, defense counsel consulted with the United States Attorney's Office. Defense counsel needs additional time to again travel from Los Angeles to San Francisco to confer with his client with a Spanish interpreter present. Due to his client being in custody, defense counsel has had difficulty arranging meetings with his client due to his client's limited telephone access.

6. Thus, the parties agree, and the Court finds and holds, that failure to grant a continuance would unreasonably deny counsel for the defense the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). Finally, the parties agree, and the Court finds, that the ends of justice served by excluding the period

1 from December 6, 2007 to December 20, 2007, outweigh the best interest of the public and the
 2 defendant in a speedy trial. See 18 U.S.C. § 3161(h)(A).
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4 6. Accordingly, the Court sets a new hearing date on December 20, 2007, and
 5 orders that the period from December 6, 2007, to December 20, 2007, be excluded from Speedy
 6 Trial
 7 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

8 **IT IS SO STIPULATED.**

9 DATED: _____ /S/ Tamara Weber
 10 TAMARA WEBER
 11 Special Assistant United States Attorney

12 DATED: _____ /S/ J.T. Fox
 13 J.T. Fox
 14 Attorney for Defendant Valerian Dobre

15 **IT IS SO ORDERED.** The time from December 6, 2007 to December 20, 2007 shall be
 16 excluded from Speedy Trial Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv), as the ends
 17 of justice outweigh the interest of the public and the Defendant in a speedy trial. The parties shall
 18 appear on December 20, 2007 at 2:30 p.m. for a Quintero Hearing and a Change of Plea Hearing.
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20 DATED: _____ JEFFREY S. WHITE
 21 United States District Judge
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